



INDIANA DEPARTMENT OF TRANSPORTATION
Professional Services Bulletin
ON LINE

100 North Senate Avenue - Room N730 -Indianapolis, Indiana 46204-2249
(317) 232-5325 FAX: (317) 233-1481

jwilliams@indot.state.in.us

FRANK O'BANNON, Governor
J. BRYAN NICOL Commissioner

Professional Services Bulletin - 2002- No. 15

August 23, 2002

This "Professional Services Bulletin" is the official notice of professional services requested by the Indiana Department of Transportation (INDOT). You may submit statements of interest if you have qualifications data currently on file with INDOT's Consulting Services Unit or submit qualifications data with the statement of interest. A statement of interest must include a technical proposal, describing the capabilities and proposed method of completing the requested services.

Statements of interest must comply with the following requirements:

1. Submit statement of interest in a single sealed envelope.
2. Write the following information in the bottom left hand corner of the envelope containing the statements of interest:
 - a. "PSB - 2002 - No. 15"
 - b. Name of firm submitting statement of interest
 - c. Item number(s) for which the firm has enclosed the statement(s) of interest.
3. INDOT will not accept statements of interest sent collect or be responsible for the consultant's mailing and/or shipping costs.
4. For joint ventures, indicate the work and estimated percentage of the total project to be performed by each participant. If selected, all joint venture participants will be required to sign the INDOT consultant contract as wholly responsible parties.
5. Only statements of interest received by the Consulting Services Unit prior to:
4:00 P.M., Indianapolis time, September 06, 2002,
will be given consideration. Statements of interest received after the deadline will be returned to the consultant unopened.
6. Send statements of interest to:
Jodi Williams, Program Coordinator
Consulting Services Unit
Indiana Department of Transportation
100 North Senate Avenue, Room N730
Indianapolis, Indiana 46204-2249

The Indiana Department of Transportation will ensure that all certified Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any consultant on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

All consultants selected to provide services shall be required to comply with the following:

A. INDOT Disadvantaged Business Enterprise Program:

1. General

- a. Notice is hereby given to the consultant or subcontractor that failure to carry out the requirements set forth in 49 CFR, Part 26 shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the state deems appropriate.
- b. The referenced section requires the following policy and disadvantaged business enterprise (DBE) obligation to be included in all subsequent agreements between the consultant and any subcontractor:
 - (1) It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this contract. Consequently, the DBE requirements of 49 CFR Part 26 will apply to any contract entered into as a result of this "Professional Services Bulletin".
 - (2) The consultant agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under contracts with INDOT. In this regard, the consultant shall take all necessary and reasonable steps, in accordance with 49 CFR Part 26, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The consultant shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally-assisted contracts.
 - (3) In accordance with the STURAA of 1987, women business enterprises (WBE) have been considered to be socially and economically disadvantaged; therefore the DBE program has been combined.
- c. As part of the consultant's equal opportunity affirmative action program, it is required that the consultant shall take positive affirmative actions and put forth good faith efforts to solicit statements of interest from and to utilize disadvantaged business enterprise subcontractors, vendors or suppliers.

2. Definitions

The following definitions apply to this section:

- a. "Disadvantaged Business Enterprise" or DBE means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- b. "Small Business Concern" means a small business concern as defined pursuant to section 3 of the Small Business Act and SBA regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Sec. 26.65(b).

- c. “Socially and Economically Disadvantaged Individuals” means (i) any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis; or (ii) any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (1) Black Americans which includes persons having origins in any of the Black racial groups of Africa;
 - (2) Hispanic Americans which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (3) Native Americans which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (4) Asian-Pacific Americans which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (5) Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - (6) Women;
 - (7) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
- 3. Subcontracts
 - a. If the consultant intends to subcontract a portion of the work, the consultant is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
 - b. The contracts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to INDOT and the Federal Highway Administration when requested.
 - c. In those cases where the consultant originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contracts covered under paragraphs 3.a. and 3.b. of this section shall be performed.
 - d. No subletting will be approved until the consultant demonstrates compliance with paragraphs 3.a. and 3.b. of this section by submitting Form DBE-2 when subcontracts with non-DBE firms are proposed.
- 4. Affirmative Actions

The consultant agrees to establish and conduct a program which will enable disadvantaged business enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the consultant shall:

 - a. Designate a liaison officer who will administer the consultant's disadvantaged business enterprise program.
 - b. Ensure that known disadvantaged business enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of disadvantaged business enterprises.
 - c. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of disadvantaged business enterprises, (2) awards to disadvantaged business enterprises on

- the source list and, (3) specific efforts to identify and award contracts to disadvantaged business enterprises.
- d. Cooperate with the state in any studies and surveys of the consultant's disadvantaged business enterprise procedures and practices that the state may from time to time conduct.
 - e. Submit periodic reports of subcontracting to known disadvantaged business enterprises with respect to the records referred to in subparagraph (3) above, in such form and manner and at such times as the state may prescribe.
5. Leases and Rentals
The consultant shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transaction, and the type of purchase made or type of equipment rented.
6. Your firm will not be considered a disadvantaged business enterprise (DBE) unless it is currently certified by the Indiana Department of Transportation. If you feel your firm qualifies, please contact Charlotte A. Leavell, Division Chief of the Civil Rights Division, Room N855 of the Indiana Government Center North, Indianapolis, Indiana 46204, to obtain the proper forms.

B. Drug-Free Workplace Certification

A certification is required by Executive Order No. 90-5, April 12, 1990, issued by the Governor of Indiana as a requirement on all contracts and grants with the state of Indiana in excess of \$25,000.00. No award of a contract or grant shall be made, and no contract, purchase order or agreement shall be valid unless and until a certification has been fully executed by the consultant and attached to the contract or agreement as part of the contract documents. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract payments, termination of the contract or agreement and/or debarment of contracting opportunities with the state for up to three (3) years.

By signing the certification, which will be attached to the consultant contract, the consultant certifies and agrees that it will provide a drug-free workplace by:

- (a) Publishing and providing all employees engaged in the performance of the contract a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the consultant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establishing a drug-free awareness program to inform such employees about (1) the dangers of drug abuse in the workplace; (2) the consultant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;
- (c) Notifying such employees in the statement required by subparagraph (a) above that as a condition of continued employment on the contract resulting from this solicitation, the employee will (1) abide by the terms of the statement; and (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (d) Notifying in writing the Indiana Department of Administration within ten (10) days after receiving notice under subdivision (c)(2) above, from an employee or otherwise receiving actual notice of such conviction;
- (e) Within thirty (30) days after receiving notice under subdivision (c)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of

- drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
- (f) Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (a) through (e) above.

Before any contract will be made, the consultant must agree to the above terms. A certification agreeing to such will be attached to each consultant contract which must be signed by the consultant.

C. Facilities Capital Cost of Money (September 1987)

1. Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in subparagraph 31.205-10(a)(2) of the Federal Acquisition Regulation are met. One of the allowability criteria requires the prospective contractor to propose facilities capital cost of money in its offer.
2. If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.
1. Selection of consultants by the Indiana Department of Transportation is not based on competitive bidding. Selections are based upon a list of evaluation factors included in the request for proposal.

All firms submitting a statement of interest in response to this Professional Services Bulletin will be notified after the consultant selection has been approved.

Item #1

One (1) consultant will be selected to:

- (A) assist INDOT in refining the Design-Build process;
- (B) prepare INDOT Design-Build bid packages for Phases II and III of the I-80 Borman Expressway project in Lake County for pavement replacement, added travel lanes, and interchange modifications, Des. No's. 9910600, 9901700, 9700350, 9910800; and
- (C) assist INDOT in review, evaluation, and coordination of the Design-Build process before and during construction. This will be a three year negotiated hourly rate contract.

The planned scope of this contract is as follows:

- A. Assist INDOT in refining the Design-Build process.
 - 1. Establish review procedures for the technical packages to be submitted by the contractor/design teams, including the following:
 - a. Plans
 - b. Schedule
 - c. Traffic Control
 - 2. Develop an evaluation process for the Design-Build project, including the following:
 - a. Cost
 - b. Time Savings
 - c. Control over Design
 - d. Quality of Final Project
 - e. Control over construction procedures and materials
 - f. Satisfaction with process
- B. Develop contract documents including approximately 30% complete plans, Preliminary Right-of-Way Plans, and perform land acquisition activities as required.

Phase II

Pavement replacement and added travel lanes, Des No. 9910600, located on I-80, from Calumet Avenue interchange to 0.8 km west of SR 912, Lake County, within the INDOT LaPorte District. Includes the replacement of seven overpass bridges. The estimated construction cost is \$60,000,000.

Phase III

Pavement replacement, added travel lanes, and interchange modifications, Des. No's. 9901700, 9700350 & 9910800, located on I-80, from 0.8 km east of SR 912 to 0.35 km east of Georgia Street, Lake County, within the INDOT LaPorte District. Includes the interchanges at Grant St. and SR 53. The estimated construction is \$85,000,000.

- 1. Prepare contract documents, including approximately 30% complete plans, from which the contractor-consultant teams can prepare plans to reflect an accurate and complete bid. The bid package will include copies of the electronic drawing files.

2. Prepare a cost estimate for the project's "Engineer's estimate".
 3. Develop a traffic management plan that facilitates the construction of I-80 with all adjacent contracts.
- C. Assist INDOT in review, evaluation, and coordination of the Design-Build process before and during construction.
1. Coordinate and participate with INDOT in the Pre-Bid and Pre-Construction meetings.
 2. Lead a field check with each bidder separately, assisted by the project manager, and district construction, area, and project engineers.
 3. Participate in the analysis and evaluation of the technical packages submitted by the contractor-design teams.
 4. Meet weekly with project Design-Build team, or as directed.
 5. Evaluate Design-Build process at each stage in the process, including:
 - a. Preliminary (after letting)
 - b. Mid-point of project
 - c. Final
 6. Review Final Plans from the Design-Build team.

INDOT shall furnish or make available to the CONSULTANT the following information:

1. Aerial topographic survey data with ground survey supplementation.
2. Criteria for design and details for signs, signals, lighting, highway and structures such as grades, curves, sight distances, clearances, design loading, etc.
3. Standard Specifications and standard drawings applicable to the project
4. Plans of existing bridges within the project limits
5. All written views pertinent to the location and environmental studies that are received by INDOT
6. Necessary permits (US Army Corps of Engineers, US Coast Guard, and/or Indiana Department of Natural Resources)
7. Provide access to enter upon public and private lands as required for the CONSULTANT to perform work under this contract
8. Pavement design analysis
9. Geotechnical investigation, if applicable
10. Necessary land acquisition

Schedule

For the purposes of contract control, the work will be submitted by the CONSULTANT to INDOT within the following approximate time periods:

Phase II

1. Contract Bid Package is due one hundred twenty (120) days after the Notice to Proceed.
2. Final Contract Bid Package with cost estimate is due thirty (30) days after review of the Contract Bid Package.
3. Design-Build process evaluation is due seven (7) days after the letting. The second process evaluation is due seven (7) days after the construction is fifty percent complete.
4. Review of Final Plans is due fourteen (14) days after as-built Final Plans are submitted by the Contractor. The final process evaluation is due thirty (30) days after this review.
5. The Contract Letting is July 15, 2003.

Phase III

1. Contract Bid Package is due ninety (90) days after Phase II submittal.
2. Final Contract Bid Package with cost estimate is due thirty (30) days after review of the Contract Bid Package.
3. Design-Build process evaluation is due seven (7) days after the letting. The second process evaluation is due seven (7) days after the construction is fifty percent complete.
4. Review of Final Plans is due fourteen (14) days after as-built Final Plans are submitted by the Contractor. The final process evaluation is due thirty (30) days after this review.
5. The Contract Letting is November 18, 2003.

Required Qualifications

To be considered for selection for this item consultants must meet the following criteria:

- I. Has participated in the INDOT Design-Build program.
- II. Has at least four (6) Indiana registered professional engineers with at least two (4) experienced in road design, at least one (1) experienced in bridge design, and at least one (1) experienced in construction traffic management.

Information Required from Consultants

To be considered, consultants must submit a complete response to this PSB using the format provided below. **Each proposal must be submitted in three (3) copies.** Each proposal shall show the full legal name and business address of the prospective Consultant. Proposals by a joint venture team or a prime/sub-consultant team shall list the full names and addresses of all team members and the proposed relationship and role of each. The state of incorporation shall be stated for each corporation that is a party as a prospective Consultant.

Letter of Transmittal	The prospective Consultant's proposal shall include a letter of transmittal signed by an individual or individuals authorized to bind the prospective Consultant contractually. The transmittal letter shall include the name, title, address, and telephone number of one or more individuals who can respond to requests for additional information, and also, of one or more individuals who are authorized to negotiate and execute a contract on the prospective Consultant's behalf.
Quality Assurance and Work Plan	The Consultant shall set forth how he proposes to accomplish this work and to assure quality submissions. The quality assurance plan shall detail the staff members responsible for each development segment..
Qualifications	Provide a listing of relative completed contracts.
Personnel	Specific background information on key individuals who are anticipated to be assigned to this project should be included. The background information on these individuals should emphasize their experience relative to the project requirements.
Oral Presentations	Consultants who submit a proposal may be required to make an oral presentation of their proposal to INDOT. These presentations provide an opportunity for the consultant to clarify his proposal to insure thorough, mutual understanding.

Questions regarding INDOT's Design-Build work plan or INDOT's "Limited Review" work plan may be directed to Mr. Walt Land at (317) 233-3699. Questions regarding preparation of your response to this Professional Services Bulletin may be directed to Mr. Jeff Clanton at (317) 232-4198.